

Remarks

In the present response, no claims are amended. Claims 1 – 36 are presented for examination.

I. Claim Rejections: 35 USC § 102

Claims 1-3, 8, 10-12, and 17 are rejected under 35 U.S.C. §102(b) as being anticipated by USPN 5,828,514 (hereinafter Chliwnyj). Applicants respectfully traverse.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since Chliwnyj neither teaches nor suggests each element in the rejected claims, these claims are allowable over Chliwnyj.

Claim 1

Independent claim 1 recites numerous recitations that are not taught or suggested in Chliwnyj. For example, claim 1 recites:

sensing vibration imparted to a tape transport mechanism; and
adjusting position of the electromagnetic head according to the
sensed vibration.

Nowhere does Chliwnyj teach or suggest sensing vibration imparted to a tape transport mechanism and then adjusting the position of the electromagnetic head according to the sensed vibration. The Office Action cites Chliwnyj at col. 9, lines 21-40 for teaching these claimed elements. Applicants respectfully disagree.

The cited sections of Chliwnyj are reproduced below for convenience:

The inner feedback loop 901 includes a compensator 910, a gain circuit 912, the actuator 23 to the tape head 308, and an independent position sensor (IPS) 914. Typically, the IPS 914 is an optical sensor which detects movements of the tape head 308

relative to the frame of the tape drive 10. The compensator 910 and gain 912 circuits simply alter the phase and the gain of the signal into the actuator 23 and are well-known in the art. As described earlier, the actuator 23 produces the signals to physically position the tape head 308. In operation, the independent position sensor 914 detects when the tape head 308 needs to be adjusted relative to the frame of the tape drive 10. The IPS 914 sends a feedback signal component to the requested head position signal 942 to adjust the tape head 308 relative to the frame of the tape drive 10. The compensator 910 and gain 912 circuits adjust the phase and strength of the combined tape position signal 944 to be received as input to the actuator 23. The actuator 23 then controls and or adjusts the position of the tape head 308.

Chliwnyj teaches an independent position sensor (IPS) that detects movement of the tape and sends a feedback signal to adjust the tape head relative to the frame of the tape drive. Nowhere does Chliwnyj teach or suggest sensing **vibration** imparted to a tape transport mechanism. Further, claim 1 recites that the position of the electromagnetic head is adjusted “according to the sensed vibration.” The cited sections of Chliwnyj do not teach or suggest these limitations.

For at least these reasons, claim 1 is allowable over Chliwnyj. A dependent claim inherits the limitations of a base claim. Thus, for at least the reasons given in connection with independent claim 1, the dependent claims depending from claim 1 are also allowable over Chliwnyj.

Claim 10

Independent claim 10 recites numerous recitations that are not taught or suggested in Chliwnyj. For example, claim 10 recites:

vibration sensor capable of sensing vibration imparted to the electromagnetic head assembly; and

head positioning unit capable of adjusting the position of the electromagnetic head according to the sensed vibration.

Nowhere does Chliwnyj teach or suggest a vibration sensor capable of sensing vibration imparted to the electromagnetic head assembly and a head positioning unit capable of **adjusting the position** of the electromagnetic head **according to the sensed vibration**. The Office Action refers to the citations given in connection with the rejection of claim 1. Applicants respectfully disagree.

As noted above in connection with claim 1, Chliwnyj at col. 9, lines 21-40 teaches an independent position sensor (IPS) that detects movement of the tape and sends a feedback signal to adjust the tape head relative to the frame of the tape drive. Nowhere does Chliwnyj teach or suggest a sensor for sensing **vibration** imparted to the electromagnetic head assembly and then adjusting the position of the electromagnetic head according to the sensed vibration.

For at least these reasons, claim 10 is allowable over Chliwnyj. A dependent claim inherits the limitations of a base claim. Thus, for at least the reasons given in connection with independent claim 10, the dependent claims depending from claim 10 are also allowable over Chliwnyj.

II. Claim Rejections: 35 USC § 103

Claims 19-21, 26, 28-30, and 35 are rejected under 35 USC § 103(a) as being unpatentable over Chliwnyj in view of US Application No. 2003/0067703 (hereinafter Holmes).

Improper Rejection Under 35 USC 103(c)

Holmes has a US filing date of September 2002, and the present application has a filing date of November, 2003. While Holmes has a filing date before the filing date of the present application, the present U.S. Patent Application Serial No. 10/719,515 and Holmes were, at the time the invention of the present application was made, owned by Hewlett-Packard Company. As such the Holmes reference is classified as a 35 U.S.C. §102(e) reference.

As Holmes only qualifies as prior art under 35 U.S.C. §102(e) and Holmes was used in an obviousness rejection under 35 U.S.C. §103(a) and common ownership of the present application and Holmes has been established, Applicants submit that under the prior art exclusion of 35 U.S.C. §103(c), Holmes does not qualify as a 35 U.S.C. §102(e) reference in an obviousness rejection under 35 U.S.C. §103(a) (*see* MPEP §706.02(1)(3); *see also* MPEP §706.07(a)). Applicant, therefore, respectfully requests withdrawal of this rejection.

III. Allowable Subject Matter

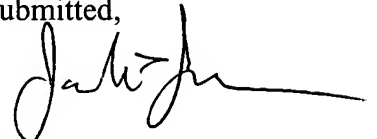
Applicants sincerely thank the Examiner for indicating that claims 4-7, 9, 13-16, 18, 22-25, 27, 31-34, and 36 would be allowable if rewritten in independent form.

CONCLUSION

In view of the above, Applicants believe all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as express mail (US910714814US), in an envelope address to: Commissioner for Patents Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of June, 2005.

By _____
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